

LABEL, IN PART: (Can) "Carolina Gold Brand Halved Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since it failed to meet the test for tenderness prescribed by the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: November 14, 1951. Carolina Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

18126. Misbranding of canned peaches. U. S. v. 199 Cases * * *. (F. D. C. No. 31684. Sample No. 1545-L.)

LIBEL FILED: September 14, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about August 20, 1951, by Taylor & Sledd, from Easley, S. C.

PRODUCT: 199 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Greensboro, N. C.

LABEL, IN PART: (Can) "Powhatan Brand Yellow Freestone Peaches."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article failed to conform to the standard of quality for canned peaches since it failed to meet the test for tenderness as prescribed in the standard, and the label failed to bear a statement that the article fell below the standard.

DISPOSITION: December 17, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

18127. Misbranding of canned peaches. U. S. v. 73 cases, etc. (F. D. C. No. 31605. Sample Nos. 3680-L, 3681-L.)

LIBEL FILED: August 9, 1951, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about July 5, 10, and 11, 1951, by the J. A. Jones Canning Co., from Easley, S. C.

PRODUCT: Peaches. 73 cases, each containing 24 1-pound, 13-ounce cans, and 13 cases, each containing 24 1-pound, 14-ounce cans, at Richmond, Va.

LABEL, IN PART: (Cans) "Powhatan Brand Yellow Freestone Peaches Halves In Heavy Syrup" or "Durham Maid Brand Yellow Peeled Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity had been prescribed by regulations, and the label of the article failed to bear, as required by the regulations, the name of the optional packing medium present in the article since the labels bore the statement "In Heavy Syrup," whereas the Powhatan Brand was packed in the medium designated as slightly sweetened water and the Durham Maid Brand was packed in the medium designated as light sirup in the definition and standard.